HIGH COURT OF UTTARANCHAL AT NAINITAL.

Review Application No. 32 of 2005
In
Writ Petition No. 1506 (S/S) of 2004

Prem Singh,
son of Sri Chandan Singh,
presently posted as Peon,
court of Judicial Magistrate,
District – Uttarkashi. .....Petitioner

Versus

1. State of Uttaranchal through Secretary, Revenue Department, Dehradun.
2. Commissioner, Garhwal Mandal, Pauri Garhwal.
3. Collector/District Magistrate, Uttarkashi.

....Opposite Parties.

Hon'ble M.M. Ghildiyal, J

Heard Sri Dinesh Chauhan, learned counsel for the applicant /petitioner on the review application and learned Standing Counsel, who has accepted notice on behalf of respondents.

Petitioner, who is working as Patwari Peon, had filed a writ petition no. 1506 (S/S) of 2004 in which he had prayed to issue a writ in the nature of Mandamus commanding the respondents to promote him on the post of Patwari in District – Uttarkashi and send him for training of Patwari at Patwari Training Centre, Almora. The aforesaid

writ petition was finally dismissed on December 20, 2004.

According to the petitioner himself, there are three conditions for promotion on the post of Patwari. These three conditions are: (i) candidate must pass High School Examination; (ii) candidate must have served at least 6 years as Patwari Peon and (iii) at the same time candidate should not be more than 45 years of age.

The writ petition was dismissed on the ground that though the petitioner fulfilled two conditions i.e. he has passed High School examination and has 24 years of service on the post of Patwari Peon but he has completed more than 45 years of age and according to Rules he cannot be given promotion to the post of Patwari Peon in the aforesaid circumstances.

There is no good ground in the Review Application filed by the petitioner on which the Review petition can be allowed.

Hence, Review Application is rejected.

(M.M. Ghildiyal, J)

May25, 2005
SKSharma

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Hon'ble M.M. Ghildiyal, J

Heard Sri Dinesh Chauhan, learned counsel for the petitioner and learned Standing Counsel, who has accepted notice on behalf of respondents.

By means of the present petition, the petitioner, who is working as Peon, has prayed to issue a writ in the nature of Mandamus commanding the respondents to promote the petitioner on the post of Patwari in District – Uttarkashi and send him for training of Patwari at Patwari Training Centre, Almora.

Learned counsel for the petitioner has submitted that petitioner was initially appointed as Patwari Peon on 1.1.1980 and the Government has issued a G.O. dated 18.8.1986 by which 10% of posts of Patwari

have been reserved to be filled by way of promotion amongst the peons, who have at least passed High School, have completed at least six years of service as Peon and have not attained the age of 45 years.

The contention of the petitioner is that he has passed High School and has served as peon for 24 years but he was not sent for training of Patwari and has not been given promotion to the post of Patwari.

A perusal of the records reveals that the age of petitioner is more than 45 years and as such, as per G.O. dated 18.8.1986 now he cannot claim for benefit of promotion to the post of Patwari.

In view of the facts stated above I am of the view that there is no merit in the writ petition.

With this direction the writ petition is dismissed.

(M.M. Ghildiyal, J)

December 20, 2004
S.K. Sharma